

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: John E. Wade	
	Debtor(s)
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New Residential Mortgage Loan Trust 2018-1	
	Movant
	v.
John E. Wade	
Yvette R. Wade	
	Respondents
	and
Ronda J. Winnecour, Trustee	
	Additional Respondent
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BK. NO. 19-24159 CMB

CHAPTER 13

**MOTION FOR RELIEF FROM THE
AUTOMATIC STAY AND CO-DEBTOR STAY**

/s/ Brian C. Nicholas, Esquire

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Attorney for Movant/Applicant

Date: October 12, 2020

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: John E. Wade

Debtor(s)

New Residential Mortgage Loan Trust 2018-1

Movant

v.

John E. Wade

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Respondents

and

Ronda J. Winnecour, Trustee

Additional Respondent

BK. NO. 19-24159 CMB

CHAPTER 13

**MOTION OF NEW RESIDENTIAL MORTGAGE LOAN TRUST 2018-1,
FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362 AND 1301**

Movant, by its Attorney, KML Law Group, P.C., hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor(s).

1. Movant is New Residential Mortgage Loan Trust 2018-1.
2. Debtor(s), John E. Wade, and Co-Debtor, Yvette R. Wade are the owner(s) of the premises located at 8976 Eastwood Road, Pittsburgh, PA 15235, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$103,200.00 on the mortgaged premises that was executed by Debtor, John E. Wade and Co-Debtor Yvette R. Wade as Co-mortgagors on January 11, 2002. Said mortgage was recorded on January 15, 2002 at Book V22057, Page 458. The mortgage was subsequently assigned to Movant by way of an Assignment of Mortgage recorded on April 7, 2018 in Book Volume 49189, Page 514 in Allegheny County.
4. Movant has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required thereunder.
5. As of October 7, 2020, the payoff amount due on the mortgage is \$111,182.83.
6. Debtor is currently delinquent in payments to the Chapter 13 Trustee in the amount of \$2,878.00.
7. The total amount of post-petition arrearage is \$3,944.23. Debtor and Co-Debtor are due for payments in the amount of \$611.99 for the months April 2020 through October 2020 with less of a suspense

balance of \$339.70.

8. The Chapter 13 Trustee's records reveal the post-petition payments to Movant are delinquent in the amount of \$3,944.23.

9. The fair market value of the premises is \$65,000.00, per the Debtor's Schedules.

10. The foreclosure proceeding filed or to be instituted were stayed by the filing of the instant Chapter 13 Petition.

11. Debtor(s) and Co-Debtor have no or inconsequential equity in the premises.

12. Movant has cause to have the Automatic Stay terminated pursuant to 11 U.S.C §362 (d).

13. This motion and the averments contained therein do not constitute a waiver by the Moving Party of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order modifying the Automatic Stay under Section 362 and 1301 with respect to the mortgaged premises as to permit Petitioner to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal action for enforcement of its right to possession of said premises.

Date: October 12, 2020

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